

Permit No.	Date	Document ID No.
06-03	October 24, 2008	6096

Robert C. Wiseman
County Manager



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COUNTY OF AVERY
Office of the County Manager

October 23, 2008

Mr. Bill Wagner
NC Department of Environment & Natural Resources
Asheville Regional Office
Division of Waste Management – Solid Waste Section
2090 US Highway 70
Swannanoa, NC 28778

Re: Avery County Landfill
Compliance Order

Dear Mr. Wagner:

Avery County received a Compliance Order dated September 22, 2008 from the North Carolina Department of the Environment & Natural Resources on September 24, 2008. In response to the Order, attached is the Waste Relocation and Mitigation Plan for the Avery County Construction and Demolition Landfill, NC, Solid Waste Permit Number 06-03. As you may be aware, the Order required a response by Avery County within thirty days of receipt of the Compliance Order; however, an extension was requested by Avery County and granted via e-mail communication until October 24th.

Avery County has been, and will continue to be, good stewards of the public trust. This is verified by the fact that when Avery County became aware of deviations from the permit at the Avery County C&D Landfill, we immediately self-reported these exceptions to all appropriate authorities. The exceptions identified have evolved over time, which have witnessed the tenure of two county managers, two solid waste directors and multiple equipment operators.

Avery County currently is committed to and in the design and development stage for a new eight to ten million dollar elementary school, as well as the expansion and renovation of our existing jail facility estimated at eight to nine million dollars. There are no allocated funds available in this year's budget to accommodate funding the immediate implementation of the relocation and mitigation plan.

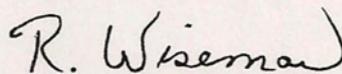
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In your examination of our mitigation plan, please consider the following issues:

- There are no known environmental impacts caused by the non-compliance issues;
- The area in question has been, for some time, stabilized and maintained with respect to sedimentation, erosion control and adequate vegetative cover;
- If implementation of the mitigation plan is coordinated with the permitting of the expansion for our current C&D landfill, costs of relocation would save the citizens of Avery County the difference between transportation costs of 200 yards on site verses almost 200 miles to Bristol, Va. This equates to an estimated dollar savings of over \$250,000.
- The financial ramifications of immediate implementation are obvious. They would include, but not be limited to, impeding the progress of the permitting process for our C&D landfill expansion and the effectiveness and efficiency of the entire Avery County Solid Waste program.

We are confident that you will consider these factors and join with Avery County in our efforts to improve the quality of life in Avery County while protecting the quality of our environment. Thank you for your concern and conscientious efforts on Avery County's behalf.

Sincerely,



Robert Wiseman
Avery County Manager

RW/sa

Enclosure